



**A = Approved, A1 = Approved First Reading, A2 = Approved Second Reading, D = Deferred,
NA = No Action, PH = Authorized Public Hearing, AD = Approval Denied**

ACTION AGENDA

Hickory City Council
76 North Center Street

December 7, 2021
7:00 p.m.

- I. Call to Order
- II. Invocation by Reverend Charles Kyker, Christ United Methodist Church
- III. Pledge of Allegiance
- IV. Election of Mayor Pro Tempore for Calendar Year 2022 Pursuant to NC General Statute §160A-70 and Section 2-54 of the Hickory City Code
 - A** Alderman Wood was sworn in as Mayor Pro Tempore for Calendar Year 2022
- V. Appointment of City Attorney for Calendar Year 2022 Pursuant to the Hickory City Code, Section 4.151 of the Charter
 - A** Attorney John Crone was sworn in as City Attorney for Calendar Year 2022
- VI. Special Presentations
 - NA** A. Business Well Crafted Award Presentation to Shurtape – Presentation by Community Development Manager Karen Dickerson.

A Business Well Crafted Award was presented to Shurtape.
 - NA** B. Annual Audit - Presentation by Kari Dunlap, Martin Starnes & Associates

The annual audit was presented to Council by Kari Dunlap, Martin Starnes & Associates.
- VII. Persons Requesting to Be Heard
 - A. Mr. Cliff Moone, 4340 North Center Street, Unit 304, Hickory, discussed the 80th Anniversary of the attack on Pearl Harbor, Bill of Rights Day, and Human Rights Day.
- VIII. Approval of Minutes
 - A** A. Regular Meeting of November 16, 2021. **(Exhibit VIII.A.)**
- IX. Reaffirmation and Ratification of Second Readings. Votes recorded on first reading will be reaffirmed and ratified on second reading unless Council Members change their votes and so indicate on second reading.
 - A2** A. Budget Revision Number 9. **(First Reading Vote: Unanimous)**
 - A2** B. Proposed Amendments to Chapter and/or Chapter Sections of the Hickory Code of Ordinance based upon Requirements of Senate Bill 300 (S.L. 2021-138). **(First Reading Vote: Unanimous)**

- A2** C. Rezoning Petition 21-06 for Property Located at 2358, 2366, and 2380 Renwick Drive, Part of 3056 Short Road, and an Unaddressed Adjacent Parcel from Regional Commercial (C-3) and Catawba County R-20 to High Density Residential (R-4). **(First Reading Vote: Unanimous)**

- X. Consent Agenda: All items below will be enacted by vote of City Council. There will be no separate discussion of these items unless a Council Member so requests. In which event, the item will be removed from the Consent Agenda and considered under Item XI.

- A** A. Approval of Awarding the Service Weapon and Badge to Lieutenant Scott Hildebrand. **(Exhibit X.A.)**

Hickory Police Department requests City Council to award retiring Lieutenant Scott Hildebrand his service weapon (Glock Model 17 - Serial # UHF221) and badge upon his retirement December 31, 2021. Lt. Scott Hildebrand will retire from the City of Hickory Police Department December 31, 2021, after completing 30 years of qualifying service to the citizens of Hickory. By authority of NC General Statutes, City Council may award the service weapon and police badge to Lt. Scott Hildebrand upon his retirement from Hickory Police Department. Upon approval from City Council, the police badge and service weapon will be declared surplus and removed from the City's fixed asset inventory. Staff recommends approval of awarding the service weapon and police badge to Lt. Scott Hildebrand upon his retirement from Hickory Police Department.

- A** B. Approval of Awarding the Service Weapon and Badge to MPO Brian Ollis. **(Exhibit X.B.)**

Hickory Police Department requests City Council to award retiring MPO Brian Ollis his service weapon (Glock Model 19 - Serial # BUBU4537) and badge upon his retirement December 31, 2021. MPO Brian Ollis will retire from the City of Hickory Police Department December 31, 2021, after completing over 24-years of qualifying service to the citizens of Hickory. By authority of NC General Statutes, City Council may award the service weapon and police badge to MPO Brian Ollis upon his retirement from Hickory Police Department. Upon approval from City Council, the police badge and service weapon will be declared surplus and removed from the City's fixed asset inventory. Staff recommends approval of awarding the service weapon and police badge to MPO Brian Ollis upon his retirement from Hickory Police Department.

- A** C. Approval of Awarding the Service Weapon and Badge to MPO James Mathis. **(Exhibit X.C.)**

Hickory Police Department requests City Council to award retiring MPO James Mathis his service weapon (Glock Model 17 - Serial # UHF222) and badge upon his retirement January 31, 2022. MPO James Mathis will retire from the City of Hickory Police Department January 31, 2022, after completing 16-years of qualifying service to the citizens of Hickory. By authority of NC General Statutes, City Council may award the service weapon and police badge to MPO James Mathis upon his retirement from Hickory Police Department. Upon approval from City Council, the police badge and service weapon will be declared surplus and removed from the City's fixed asset inventory. Staff recommends approval of awarding the service weapon and police badge to MPO James Mathis upon his retirement from Hickory Police Department.

- A** D. Approval of Awarding the Service Weapon and Badge to MPO Robert Rollins. **(Exhibit X.D.)**

Hickory Police Department requests City Council to award retiring MPO Robert Rollins his service weapon (Glock Model 17 - Serial # UHF156) and badge upon his retirement January 31, 2022. MPO Robert Rollins will retire from the City of Hickory Police Department January 31, 2022, after completing over 22-years of qualifying service to the citizens of Hickory. By authority of NC General Statutes, City Council may award the service weapon and police badge to MPO Robert Rollins upon his retirement from Hickory Police Department. Upon approval from City Council, the police badge and service

weapon will be declared surplus and removed from the City's fixed asset inventory. Staff recommends approval of awarding the service weapon and police badge to MPO Robert Rollins upon his retirement from Hickory Police Department.

- A** **E.** Approval of the Acceptance of a Grant from NC Governor's Crime Commission in the Amount of \$24,215.68. **(Exhibit X.E.)**

Hickory Police Department requests approval to accept a grant from NC Governor's Crime Commission. Hickory Police requests approval to accept grant funds from the NC Governor's Crime Commission to purchase specialized safety equipment for crowd control and management of large gatherings. Hickory Police applied for and has been awarded grant funding from the NC Governor's Crime Commission to equip officers with specialized safety and crowd control equipment that would help to protect themselves and others at large gatherings and demonstrations. Currently Hickory Police has limited safety and crowd control equipment specific to this purpose. In the past few years, like most agencies across the nation, Hickory Police Department has planned and managed several large gatherings and events. It is the goal of Hickory Police to get as many officers as possible trained in FEMA's Mobile Field Force Operations and to partner with surrounding agencies in standardizing training and acquiring specialized equipment so that in the event of a major crowd event it would be adequately staffed, and officers would have all necessary safety equipment to manage the event. The specialized safety equipment provided by the grant includes gas masks, non-lethal crowd control equipment and personal size fire extinguishers that can be carried on each officer's person. Staff recommends acceptance of the NC Governor's Crime Commission grant in the amount of \$24,215.68 for gas masks and other officer safety supplies.

- A** **F.** Cemetery Deed Transfer from City of Hickory to Yvonne Robinson Roberts, Southside Cemetery, Plot L, Lot Nos. 13, 14, 15, 16, 17, and 18, Section 5, Containing 240 Square Feet. (Prepared by Deputy City Attorney Arnita Dula. **(Exhibit X.F.)**)

- A** **G.** Cemetery Deed Transfer from Yvonne Robinson Roberts, to City of Hickory, South Side Cemetery, Plot K, Lot Nos. 11 and 12, Section 5, Containing 80 square Feet. (Prepared by Deputy City Attorney Arnita Dula. **(Exhibit X.G.)**)

- A** **H.** Approval of the Agreement for Engagement of City Attorney/Legal Counsel. **(Exhibit X.H.)**

- A** **I.** Approval of the Dedication and Naming of the Highway 127 Pedestrian Bridge on the City Walk to "Rudy Wright Bridge".

- A1** **J.** Approval of Amending the Traffic Ordinance Reducing the Speed Limit to 25 MPH on E Avenue SE from 25th Street SE to 17th Street SE/C Avenue SE, 17th Street SE from E Avenue SE/C Avenue SE to B Avenue SE, and C Avenue SE from 16th Street SE to E Avenue SE/17th Street SE. **(Exhibit X.J.)**

Staff requests Council's approval to implement a speed limit reduction to 25 mph along E Avenue SE from 25th Street SE to 17th Street SE/C Avenue SE, 17th Street SE from E Avenue SE/C Avenue SE to B Avenue SE, and C Avenue SE from 16th Street SE to E Avenue SE/17th Street SE. City Council implemented a Neighborhood Traffic Calming Program that enables citizens to request measures to improve traffic safety in the area where they own property. Citizens submit a required application to request measures and provide a reason for the request. Then, the City performs analysis to determine what, if any, measures are warranted. Citizens requesting traffic calming measures are required to complete and submit a petition with 75 percent of properties in favor of implementation for the request to move forward. Traffic Division staff received the completed petition from property owners with regards to the Neighborhood Traffic Calming Program and found the property owners compliant with the guidelines. The petition qualifies for a speed limit reduction to 25 mph. Thirty-nine properties were included in the petition and twenty-nine properties signed in favor of implementation. This represents at least 75 percent approval, which meets the requirement. The necessary sign modifications along the roadway can be performed as a normal part of the Traffic Division's signs/markings shop operations.

Staff recommends Council's approval to implement a speed limit reduction to 25 mph along E Avenue SE from 25th Street SE to 17th Street SE/C Avenue SE, 17th Street SE from E Avenue SE/C Avenue SE to B Avenue SE, and C Avenue SE from 16th Street SE to E Avenue SE/17th Street SE.

- A** **K.** Approval of the Resolution Authorizing the Renewing of the Lease for a Corporate Hangar with CommScope, Inc. of North America for an Additional Five-Year Period. **(Exhibit X.K.)**

Staff requests Council's approval to renew the Corporate Hangar Lease with CommScope, Inc. of North America for an additional five-years as noted in the original lease dated September 18, 2012. Both parties agree with the original terms of the Lease. CommScope, Inc. entered into a Corporate Hangar Lease with the City of Hickory dated September 18, 2012, with an option to extend said lease for an additional five-year term upon the same terms and conditions with the exception of the annual rent. Said annual rent is currently \$79,200 with an increase of ten percent under the renewal option. CommScope has requested to exercise its right to said renewal period. The 5-year renewal period shall extend through December 31, 2026. CommScope wishes to continue to operate its corporate flight department from the Hickory Regional Airport and to retain its use of the hangar and office space currently being utilized under the Corporate Hangar Lease. Renewing the lease option is in direct line with the Airport Task Forces' mission to develop and expand the future of the Hickory Regional Airport. CommScope is a long standing, well-established company in Hickory and continues to grow its business and workforce. Staff recommends approval of the Resolution authorizing renewing the lease option with CommScope, Inc. of North America for an additional five-years.

Notice was advertised in a newspaper having general circulation in the Hickory area on November 5, 2021.

- A** **L.** Citizens' Advisory Committee Recommendation for Assistance through the City of Hickory's Housing Programs. **(Exhibit X.L.)**

The following applicant was considered by the Citizens' Advisory Committee at their regular meeting on November 4, 2021; and is now being recommended for approval for assistance under the City of Hickory's 2021 Urgent Repair Program. This program provides qualified low-income citizens with assistance for emergency related repairs not to exceed \$10,000.

➤ *Larry Bowser and Pamela Abernathy – 1017 2nd Street Place SE, Hickory – up to \$10,000.*

The Citizens' Advisory Committee recommends approval of the aforementioned request for assistance through the City of Hickory's housing assistance programs.

- A** **M.** Acceptance of the Offer of Public Dedication of Street Right-of-Way, being 3rd Street Court SW, Shown on a Plat Recorded in Plat Book 83, at Page 74, Catawba County Registry. **(Exhibit X.M.)**

Staff requests Council's acceptance of the offer of public dedication of street right-of-way, being 3rd Street Court SW. This street is shown as a 30-foot-wide right-of-way on a plat recorded in Plat Book 83, Page 74 of the Catawba County Registry. In 2021, improvements began on 3rd Street Court SW, which provides access to properties being developed for affordable housing by the City's Community Development Division. The street has previously been in use for decades, however, to provide for future development the street right-of-way and pavement surfaces require widening. The City has been presented with an offer of dedication of street right-of-way as shown on a plat recorded in Plat Book 83, Page 74 of the Catawba County Registry. The area consists of 3rd Street Court SW. The street is being improved by the City of Hickory and will be inspected by the City of Hickory and will meet the construction requirements necessary for public maintenance. Public use and maintenance of the street right-of-way cannot occur unless City Council formally accepts the offer of public dedication by means of a duly executed Resolution. This requirement is outlined in the North Carolina General Statutes, as well as the City's Land

Development Code. Staff recommends Council's approval, by Resolution, the acceptance of the offer of dedication for 3rd Street Court SW as shown on Plat Book 83, Page 74 of the Catawba County Registry.

PH/A N. Certificate of Sufficiency and Preliminary Resolution Relative to Street Improvements for Curb and Gutter along a Portion of the 600 Block of 8th Street Drive NW, Hickory, Petition No. 21-01. **(Authorize Public Hearing for January 4, 2022, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit X.N.)**

A O. Approval of a Resolution regarding Condemnation of Properties for Temporary and Permanent Easements and Rights-of-Way for Construction of the Multi-Use Path System for the OLLE Art Walk. **(Exhibit X.O.)**

Staff requests Council's approval of a Resolution regarding condemnation of properties for temporary and permanent easements and rights-of-way for construction of a multi-use path system (OLLE Art Walk). The OLLE Art Walk is part of the larger Hickory Trail multi-use path system and bond program that seeks to increase quality of life for residents and spur economic revitalization by providing pedestrian and bicycle connectivity throughout the City. The OLLE Art Walk will create a connection between City Walk, via 9th Street NW and Old Lenoir Road, and Aviation Walk and the Riverwalk. Per North Carolina General Statutes Chapter 40A the City of Hickory has the power of eminent domain to acquire any property to improve streets, sidewalks, and establish or improve recreational facilities. The City has found it is in the public interest to acquire certain easements and rights-of-way for the construction of the mile, 10-foot- wide multi-use pathway for pedestrian and bicycle connectivity from the City Walk to the Riverwalk via 9th Street NW and Old Lenoir Road. The proposed Resolution authorizes staff and legal counsel to institute the condemnation proceedings on these properties. Staff recommends Council's approval of the Resolution regarding condemnation of properties for temporary and permanent easements and rights-of-way for construction of a multi-use path system for the OLLE Art Walk.

XI. Items Removed from Consent Agenda

XII. Informational Item

XIII. New Business:

A. Public Hearings

B. Departmental Reports:

A 1. Appointments to Boards and Commissions

CITIZENS ADVISORY COMMITTEE

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Small Cities Project Area

VACANT

COMMUNITY APPEARANCE COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
At-Large (Outside City but within HRP) (Council Appoints)

VACANT

COMMUNITY RELATIONS COUNCIL

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Other Minority (Council Appoints)

VACANT

Other Minority (Council Appoints)

VACANT

Other Minority (Council Appoints)

VACANT

Differently Abled and is African American or Other Minority (Council Appoints)

VACANT

Differently Abled (Council Appoints)

Beth Whicker

(Not Eligible for Reappointment)

HISTORIC PRESERVATION COMMISSION

(Terms Expiring 6-30; 3-Year Terms (Appointed by City Council)
Licensed Architect (Council Appoints)

Ernie Sills
(Not Eligible for Reappointment)

At-Large (2)(Council Appoints) Mary Moorer
(Eligible for Reappointment/Does Not Wish to Serve Again)

Alderman Seaver nominated Robert Burghardt as the Licensed Architect Representative on the Historic Preservation Commission.

LIBRARY ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 1 (Wood Appoints)

VACANT

(Dianne Straley no longer Eligible for Ward 1 due to Redistricting)

Ward 3 (Seaver Appoints)

VACANT

(Beth Schauble Resigned 11-10-2021)

PUBLIC ART COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 4 (D. Williams Appoints)

VACANT

At-Large (Mayor Appoints)

Beth Bowman

(Not Eligible for Reappointment)

At-Large (Mayor Appoints) (Harold Humphrey Resigned 11-4-2021)

VACANT

YOUTH COUNCIL

(Terms Expiring 6-30; 1-Year Terms) (Appointed by City Council)

Youth Council Applicant Review Committee Recommends the Following Appointments:

Fred T. Foard
Homeschool

VACANT
VACANT

**WESTERN PIEDMONT COUNCIL OF GOVERNMENTS POLICY BOARD
DELEGATE**

Nominate Delegate and Alternate

Alderman Patton is current Delegate
Alderman Williams is current Alternate

Mayor Guess nominated Alderman Patton as Delegate and Alderman Williams as Alternate on the Western Piedmont Council of Governments Policy Board.

C. Presentation of Petitions and Requests

XIV. Matters Not on Agenda (requires majority vote of Council to consider)

A City Council voted unanimously to reject the bids received for the Biosolids Handling Facility as all bids were over budget.

XV. General Comments by Members of Council, City Manager or City Attorney of a Non-Business Nature

XVI. Closed Session Per NC General Statutes 143-318.11(a)(1)(3) to consult with the attorneys regarding the following: (Action on these items, if any, will occur in Open Session)

1. Approval of Closed Session Minutes of November 16, 2021 - NCGS §143-318.11(a)(1)
2. Discussion of Pending Opioid Litigation – NCGS §143-318.11(a)(3)

XVII. Adjournment

***Hickory City Code Section 2-56. Public Address to Council:**

“When conducting public hearings, considering ordinances, and otherwise considering matters wherein the public has a right to be heard, when it appears that there are persons present desiring to be heard, the Mayor shall require those opposing and favoring the proposed action to identify themselves. Each side of the matter shall be given equal time. Those opposing the proposed action shall be allowed 15 minutes for presentation, followed by 15 minutes for those favoring the action, with the opponents then to have five minutes for rebuttal and the proponents to then have five minutes for surrebuttal. Those persons on either side shall have the right to divide their allotted time among them as they may choose. The Council, by majority vote, may extend the time for each side equally. On matters in which the person desiring to address the Council does not have a legal right to speak, the Council shall determine whether it will hear the person. The refusal to hear a person desiring to speak may be based upon grounds that the subject matter is confidential, that its public discussion would be illegal, that it is a matter not within the jurisdiction of the Council or for any other cause deemed sufficient by the Council. Any person allowed to speak who shall depart from the subject under discussion or who shall make personal, impertinent, or slanderous remarks, or who shall become boisterous while addressing the Council shall be declared out of order by the Mayor, or by vote of the Council, and barred from speaking further before the Council unless permission to continue shall be granted by a majority vote of the Council, under such restrictions as the Council may provide.”

**The City of Hickory holds all public meetings in accessible rooms.
Special requests for accommodation should be submitted by individuals
with disabilities at least 48 hours before the scheduled meeting.
Phone Services (hearing impaired) – Call 711 or 1-800-735-2962**